

APPEAL NO. 030029
FILED FEBRUARY 18, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 et seq. (1989 Act). A contested case hearing (CCH) was held on November 12, 2002. The hearing officer resolved the disputed issue by deciding that the claimant is entitled to supplemental income benefits for the seventh quarter. On December 18, 2002, the hearing officer issued a Commission Order For Attorney's Fees (the attorney's fees order) to be paid pursuant to Section 408.147(c) and Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 152.1(f) (Rule 152.1(f)), in which the hearing officer approved \$1,920.00 of the \$3,680.00 in attorney fees requested by the appellant (attorney) who represented the claimant. The attorney appealed the attorney's fees order. No response was received from the claimant or the carrier.

DECISION

Reversed and rendered.

The 8.8 hours in dispute were misidentified in the attorney's fees order as telephone conferences and were not approved by the hearing officer. The disputed hours were actually requested for travel time to and from the benefit review conference (BRC) and the CCH. It appears that the attorney claimed a reasonable amount of time for round trip travel from the city where his office is located to the city where the BRC and CCH were held. We conclude that it was an abuse of discretion to not approve the hours requested for travel time. See Texas Workers' Compensation Commission Appeal No. 012073, decided December 17, 2001.

The attorney's fees order is reversed and a new decision is rendered approving the total attorney's fees requested in the amount of \$3,680.00.

The true corporate name of the insurance carrier is **TRINITY UNIVERSAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**DONALD GENE SOUTHWELL
10000 NORTH CENTRAL EXPRESSWAY
DALLAS, TEXAS 75265.**

Robert W. Potts
Appeals Judge

CONCUR:

Daniel R. Barry
Appeals Judge

Thomas A. Knapp
Appeals Judge